

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADRIAN ENERGY ASSOCIATES, LLC,
et al.,

Plaintiffs,

v.

MICHIGAN PUBLIC SERVICE
COMMISSION, *et al.*,

Defendants,

and

CONSUMERS ENERGY COMPANY,

Intervenor-Defendant.

Case No. 5:05-CV-60

Hon. Richard Alan Enslen

ORDER

Plaintiffs Adrian Energy Associates, LLC, Cadillac Renewable Energy, LLC, Genesee Power Station, LP, Grayling Generating Station, LP, Hillman Power Company, LLC, T.E.S. Filer City Station, LP, Viking Energy of Lincoln, Inc. and Viking Energy of McBain, Inc. have moved for reconsideration of the Judgment of October 12, 2005. The Court has permitted responsive briefing and such briefing opposes the relief sought. Upon review, the Court determines that relief is unwarranted.

Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is appropriate only when the movant “demonstrate[s] a palpable defect by which the Court and the parties have been misled . . . [and] that a different disposition must result from the correction thereof.” Plaintiffs’ Motion fails to meet this standard as well as the standards for relief under Federal Rules of Civil Procedure 59 and 60. No palpable error has been shown nor has it been

shown that a different disposition should be made. Simply put, the previous Opinion remains a proper disposition of the case for the reasons explained therein and the reasons argued in the opposition briefing.

THEREFORE, IT IS HEREBY ORDERED that Plaintiffs Adrian Energy Associates, LLC, Cadillac Renewable Energy, LLC, Genesee Power Station, LP, Grayling Generating Station, LP, Hillman Power Company, LLC, T.E.S. Filer City Station, LP, Viking Energy of Lincoln, Inc. and Viking Energy of McBain, Inc.'s Motion for Reconsideration (Dkt. No. 61) is **DENIED**.

DATED in Kalamazoo, MI:
December 2, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE